

Application under Section 84 of the Law of Property Act 1925 to discharge or modify a restrictive covenant

For office use only	
Office stamp (date received)	
LP /	/

- Tick boxes where applicable and provide the relevant information for your application.

1. Applicant’s details

Name	<input type="text"/>
Address	<input type="text"/>
Postcode	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Telephone number(s) (if not represented)	<input type="text"/>
Fax number (if not represented)	<input type="text"/>
Email address (optional)	<input type="text"/>

2. Applicant’s representative/address for service of documents

If this section is completed all communications regarding this application will be sent or delivered to the representative.

Name	<input type="text"/>
Address	<input type="text"/>
Postcode	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Telephone number(s)	<input type="text"/>
Fax number	<input type="text"/>
DX number	<input type="text"/>
Email address (optional)	<input type="text"/>
Professional capacity in which the representative acts, if any	<input type="text"/>

State whether a solicitor, surveyor or other professional qualification

## Alternative address for service of documents

If the applicant is not represented and wishes to have all communications sent or delivered to the applicant's address, leave this section blank.

Name

Address

Postcode

Telephone number(s)

Fax number

Email address (optional)

## 3. Application land

Postal address  
(or OS number) and area

Postcode

Land Registry title  
number

### Also provide:

- a recent copy of the Land Registry entry
- a plan with the application land marked in **red**
- an Ordnance Survey plan site-centred showing all land within 200 meters of the application land to the scale of 1:1250

## 4. Applicant's interest in the application land

The applicant's interest in the application land is:

☐ Freehold

☐ Leasehold (provide the name and address of the landlord)

Name

Address

Postcode

☐ Contractual (enclose a copy of the contract)

## 5. Other person(s) with an interest in the application land

(tick as appropriate)

- ☐ There are **no** other interest holders
- ☐ There are other interest holders (complete the following details and attach additional sheets if required)

Name

Address

Postcode

--	--	--	--	--	--	--	--

Nature of interest

Name

Address

Postcode

--	--	--	--	--	--	--	--

Nature of interest

## 6. Confirmation

**I confirm that:**

(tick as appropriate)

- ☐ a) This is a joint application of all persons with a legal or beneficial interest in the land or is made with their consent
- ☐ I enclose signed consents
- ☐ b) This application is made without the consent of the following interest holders:

Name

Name

Name

## 7. Adjacent/nearby land in which the applicant has an interest

(tick as appropriate)

☐ Not applicable

☐ The adjacent/nearby land in which the applicant has an interest is:

☐ Freehold

☐ Leasehold

Postal address  
(or OS number) and  
area

Postcode

--	--	--	--	--	--	--	--

Land Registry title  
number

### Also provide:

- a recent copy of the Land Registry entry
- a plan with the additional land marked in **green**

## 8. The additional land subject to the burden of the restrictive covenants is:

(tick as appropriate)

☐ Not applicable

☐ The additional land also subject to the burden of the restriction(s) should be described below and outlined in **blue** on the attached plan:

## 9A. The land to which the benefit of the covenant may attach is:

The benefited land should be marked in **yellow** or **brown** on the plan, and the names if known, and addresses of all those believed to be entitled to the benefit of the covenant should be listed. Attach additional sheets if needed.

Any statement made by the applicant under this heading is without prejudice to contentions the applicant may later advance as to the entitlement of particular objectors.

If there is uncertainty about the extent of the benefited land the Tribunal will assume until the matter is clarified that the benefit attaches to all land in the immediate neighbourhood of the application land)

Name

Address

Postcode

--	--	--	--	--	--	--	--

Land Registry title  
number

Name

Address

Postcode

--	--	--	--	--	--	--	--

Land Registry title  
number

**9B.** To identify the benefited land and owners I have taken the following steps:

**10.** The restriction was imposed by the following instrument(s):

Identify the deed, conveyance, transfer or other document that imposed the restriction(s) **including its date and the parties to it**. If there is more than one instrument, a copy of each must be attached including a coloured copy of any attached plan. If a copy of any document is unavailable please explain what steps were taken to obtain a copy and attach other documentary evidence of the restriction(s) imposed by it.

1.

2.

3.

## 11. The restriction(s) the subject of this application:

Set out in full, word for word, the text of each restriction to be discharged or modified. Do not include any preamble or other restrictions and use the same numbering for each relevant restriction as used in the instrument that imposed the restriction. If the restrictions were imposed by different instruments, for each restriction or set of restrictions identify which document imposed it or them.

Restrictions means covenants that restrict the landowner's use of the land or buildings. The Tribunal has no powers regarding positive covenants (generally speaking, ones that require action or expenditure by the landowner) so these must not be included in the application.

## 12. Is the application in breach of any of the restrictions?

☐ Yes If yes, give details below ☐ No

**If yes, is the application being made following a stay of proceedings under section 84(9) of the Law of Property Act 1925?**

☐ Yes If yes, give details below ☐ No

## 13. Planning permission

Provide details of planning permissions applied for, granted or refused relating to the application land in the last 5 years (enclose a copy of any current approval):

## 14. The application

The application is for:

(tick as appropriate)

- ☐ Discharge (complete section 15)
- ☐ Modification (complete section 16)
- ☐ Discharge or modification in the alternative (complete sections 15 and 16)

## 15. The application for discharge

(tick as appropriate)

A. ☐ The application is for discharge of the restriction(s) on the following ground(s):

**Law of Property Act 1925 subsection 84(1) –**

Choose all relevant options. Applicants should satisfy themselves that the grounds set out can be relied on in the circumstances of the case. It will be rare, for instance, for ground (aa) to be relevant to an application to discharge.

- ☐ (a)    ☐ (aa)    ☐ (b)    ☐ (c)    ☐ Not applicable

B. ☐ I attach a statement of case in which I provide details and evidence of all the facts relied upon to establish each of the grounds on which I rely for the discharge of the restriction(s) and the reasons for considering that that ground or those grounds apply.

Note: relevant particulars will include some or all of the following:

- (a) changes in the character of the property; changes in the character of the neighbourhood; other circumstances by reason of which the restriction ought to be deemed obsolete.
- (aa) the reasonable user that is impeded by the restriction; the relevant provisions of the development plan; a current planning permission; planning permissions or refusals of planning permission showing a pattern for the relevant area; the period at which and the context in which the restriction was imposed; other circumstances; if money is said to be adequate compensation.
- (b) express agreements to discharge; acts or omissions that imply agreement to discharge or modification.
- (c) any matters relied on as showing that there would be no injury.

## 16. The application for modification

(tick as appropriate)

A. ☐ The application is for modification of the restriction on the following ground(s):

**Law of Property Act 1925 subsection 84(1) –**

Choose all relevant options. Applicants should satisfy themselves that the grounds set out can be relied on in the circumstances of the case. Ground (a), for instance, will not usually be relevant to an application to modify.

Note: This is not to be combined with 15 above.

- ☐ (a)    ☐ (aa)    ☐ (b)    ☐ (c)    ☐ Not applicable

B. ☐ I apply to have the restriction(s) modified:

to permit (provide details)

or

as follows: (provide details)

C. ☐ I attach a statement of case in which I provide details and evidence of all the facts relied upon to establish each of the grounds on which I rely for the modification of the restriction(s) and the reasons for considering that that ground or those grounds apply.

Note: relevant particulars will include some or all of (a), (aa), (b), (c) as set out above.

## Checklist for enclosures

### I have enclosed with this notice:

(tick as appropriate)

- ☐ a plan marked in different colours to show the application land, any additional land in which the applicant has an interest, any additional burdened land and the benefited
- ☐ a recent copy of all relevant Land Registry entries
- ☐ a copy of the deed, conveyance, transfer or other document that imposed the restriction including a coloured copy of any attached plan, or if unavailable, alternative documentary evidence of the restriction
- ☐ a copy of any current planning permission
- ☐ an Ordnance Survey plan site-centered showing all land within 200 meters of the application land to the scale of 1:1250
- ☐ plans of proposed development
- ☐ a statement of case

### Fees

I have also enclosed a cheque payable to the 'HM Courts & Tribunals Service' (not the Lands Chamber) for:

- ☐ the filing fee of £880

## Declaration, signature and date

(attached additional sheet if required)

### I am/we are:

(tick as appropriate)

- ☐ the applicant(s)
- ☐ the solicitor for the applicant(s)
- ☐ the agent of the applicant(s) (enclose authority to act signed by the applicant(s))

**I/We have paid the setting-down fee of £880 and accept responsibility for the conduct of the case and the payment of later fees.**

Signed

Dated

Name

Signed

Dated

Name



**Send or deliver this application and all enclosures to:**

(keep a copy for yourself and note that you may be required to provide a copy to potential objectors)

The Registrar  
Upper Tribunal (Lands Chamber)  
5th Floor  
Rolls Building  
7 Rolls Building  
Fetter Lane  
London  
EC4A 1NL

DX: 160042 Strand 4

Tel: 020 7612 9710  
Fax: 0870 761 7751

Please visit our website to see:

- the Rules and Practice Directions governing procedure in the Tribunal
- the Fees Rules showing the fees payable during the proceedings
- the Restrictive Covenants Procedure Flowchart summarising the procedure for applications
- the Explanatory Leaflet with information about potential costs liability and other matters to assist parties.

If you do not have internet access, these documents may be requested from the Tribunal.